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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, for the use
and benefit of WELLS CARGO, INC.,
Plaintiffs,

v.

ALPHA ENERGY AND ELECTRIC, INC.,
a Missouri corporation, and AMERICAN
CONTRACTORS INDEMNITY COMPANY,
a California corporation,
Defendants.

ALPHA ENERGY AND ELECTRIC, INC.,
a Missouri Corporation,
Third-Party Plaintiff,

v.

NORTHCON, INC., an Idaho corporation;
SOUTHWESTERN CONSTRUCTION, INC.,
a Utah corporation; DOES 1 through 10; AND
ROE corporations 1 through 10,
Third Party Defendants.

Case No. 2:18-cv-01182-JCM-EJY

**STIPULATION TO EXTEND TIME FOR
SOUTHWESTERN CONSTRUCTION,
INC. TO RESPOND TO
MOTIONS FOR ATTORNEYS' FEES
AND FOR ALPHA AND ACIC TO FILE
REPLY BRIEFS ON THOSE MOTIONS**

(First Request)

On November 4, 2022, the Court entered its Order following the bench trial, which holds that Alpha Energy and Electric, Inc. (“Alpha”) and American Contractors Indemnity Company (“ACIC”) are prevailing parties entitled to attorneys’ fees and directs the following briefing schedule on the motions for attorneys’ fees: “. . . Alpha and ACIC shall file motions for attorneys’ fees no later than 14 days from the date of this order. Northcon will then have seven days to respond, and Alpha and ACIC will have seven days to file a reply.” (Doc. No. 264 at 19.) Alpha and ACIC filed their motions for attorneys’ fees on November 18, 2020 (Doc. Nos. 266, 268), and Northcon filed its response on November 25, 2022 (Doc. No. 271).

The parties disagree whether Southwestern Construction, Inc. (“Southwestern”) is implicated in the issue of attorneys’ fees.¹ In an abundance of caution, Southwestern plans to file a response to the motions for attorneys’ fees, and because the deadline for *Southwestern’s* response is not expressly stated in the Court’s Order (Doc. No. 264 at 19), Southwestern has taken the position that its response is due by the normal 14-day deadline for motion responses under LR 7-2(b)—i.e., December 2, 2022.

Counsel for Southwestern needs more time to adequately respond to the motions as a result of his travel schedule, the Thanksgiving holiday, and litigation deadlines in other cases. Pursuant to LR IA 6-1, the parties hereby stipulate that the deadline for Southwestern to respond to the motions for attorneys’ fees filed by Alpha (Doc. No. 266) and ACIC (Doc. 268) may be extended to December 7, 2022.² For sake of fairness and judicial efficiency, the parties further stipulate that the deadline for Alpha and ACIC to file reply briefs to both Northcon’s already

¹ Before trial, the parties’ submitted a stipulation confirming Southwestern was no longer involved in the case because its affirmative claims were assigned to Northcon (Doc. No. 237). And the Court’s Order following trial speaks only of Alpha, ACIC and Northcon with respect to the issue of attorneys’ fees (Doc. No. 264 at 19). Based on these documents, Alpha and ACIC believe that Southwestern no longer has any interest or right in opposing the motions for attorneys’ fees.

² This stipulation regarding scheduling deadlines is not a substantive concession on any issue. Alpha and ACIC reserve the right to challenge Southwestern’s ability to oppose the motions for attorneys’ fees.

1 filed response (Doc. No. 271) and Southwestern's forthcoming response may be extended to
2 December 14, 2022.³ This will allow both Alpha and ACIC to file respective consolidated
3 replies addressing all arguments raised by Northcon and Southwestern on the issue of attorneys'
4 fees.

5 This is the parties' first request to extend these deadlines.

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8 DATED this 2nd day of December, 2022.

9 /s/ Michael D. Stanger

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27
28 ³ If the Court rejects this stipulation or otherwise finds that a response from Southwestern on the motions for attorneys' fees is not required, Northcon agrees not to oppose motions by Alpha and ACIC for leave to file their reply briefs on the motions for attorneys' fees within two (2) days of the Court's order to that effect.

/s/Nicholas D. Kovarik

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ORDER

IT IS SO ORDERED.

Dated December 5, 2022.


HON. JAMES C. MAHAN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on December 2, 2022, I served a true and correct copy of the foregoing document via the ECF filing system upon the following:

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